

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/552,159
Inventor: Daksh Sadarangani
Filing Date: December 8, 2006
Docket No: 87036-0005
Examiner: Angela Marie Bertagna
Title: DNA ANALYSIS SYSTEM

Confirmation No.: 1637

MAIL STOP: PETITION

Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PETITION TO REVIVE APPLICATION 10/552,159

UNDER 37 CFR 1.137(B)

Dear Commissioner:

This is a petition to revive under 37 C.F.R. 1.137(b). Application 10/552,159 filed 12/08/06 was abandoned on 10/03/08 for failure to Reply to an outstanding nonfinal office action. Please find enclosed in this communication, a reply under 37 CFR §1.111 to outstanding Office Action and the petition fee under 37 CFR §1.17(m).

The entire delay in filing the required reply from the date due for the reply until the filing of this petition was unintentional. On October 3, 2008 we received a Notice of Abandonment for the above application. The notice indicated the application was deemed abandoned due to Applicant's failure to timely file a response to an Office action dated February 29, 2008. The below signed are participants in the PTO's e-Office Action Pilot Program which we have participated in relatively without incident since September 4, 2007. Our records indicate that the Office action in question was transmitted to our docketing department by e-mail on March 1, 2008, but due to a clerical inadvertence it was not downloaded and associated with this application. Thus no one at the firm was made aware that an Office action had been transmitted, and we weren't aware a response was required. We first became aware of this Office action through receipt of the Notice of Abandonment, on October 3, 2008. From October 3, 2008 through today we have been preparing a response to Office action, since a Reply which amends the claims or sets forth additional arguments is required in response to the non-final Office action. Therefore, the entire delay in filing the

Adjustment date: 03/03/2009 CKHLOK
01/02/2009 INTERSU 00000634 501349
02 FC:1253 1110.00 CR 10552159

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response to the February 29, 2008 Office action from the due date for the reply until the filing of the attached Petition to Revive was unintentional.

The below signed respectfully request the Commissioner to grant Applicant's petition to revive under 37 CFR 1.137(b).

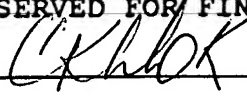
Dated: 12/31/2008

HOGAN & HARTSON LLP
555 13th Street, N.W.
Washington, D.C. 20004
Telephone: 267-675-4628
Facsimile: 267-675-4601
Customer No. 24633

Respectfully submitted

By: 
Paul Roberts
Registration No. 56,990

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND				
1 Date of Request: 02/19/09		2 Serial/Patent # 10/552,159		
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
<input type="checkbox"/>	Filing			\$
<input type="checkbox"/>	Amendment			\$
<input checked="" type="checkbox"/>	Extension of Time	PET.OP	12/31/08	\$ 1,110.00
<input type="checkbox"/>	Notice of Appeal/Appeal			\$
<input type="checkbox"/>	Petition			\$
<input type="checkbox"/>	Issue			\$
<input type="checkbox"/>	Cert of Correction/Terminal Disc.			\$
<input type="checkbox"/>	Maintenance			\$
<input type="checkbox"/>	Assignment			\$
<input type="checkbox"/>	Other			\$
		7 TOTAL AMOUNT OF REFUND		\$ 1,110.00
		8 TO BE REFUNDED BY:		
10 REASON:		Treasury Check		
<input type="checkbox"/>	Overpayment	<input checked="" type="checkbox"/>	Credit Deposit A/C #:	
<input type="checkbox"/>	Duplicate Payment	9 5 0 -- 1 3 4 9		
<input checked="" type="checkbox"/>	No Fee Due (Explanation):			
The fee is unnecessary				
11 REFUND REQUESTED BY:				
TYPED/PRINTED NAME: Diane Goodwyn		TITLE: Paralegal		
SIGNATURE: /dgoodwyn/		PHONE: 571-272-6735		
OFFICE: Petitions				
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****				
APPROVED: 		DATE: 3/3/09		

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

**Office of Finance
Refund Branch
Crystal Park One, Room 802B**

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Mail Stop PETITION

Commissioner for Patents
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TRANSMITTAL

Sir:

Transmitted herewith for filing is a Petition to Revive and Amendment in response to the non-final Office Action dated February 29, 2008 in the above-identified application.

- ☒ Applicants petition for an extension of time, the fees for which are set forth in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months</u> <u>Requested</u>	<u>Fee for</u> <u>Extension of Time</u>
<input type="checkbox"/> first month	\$ 130.00/ 65.00
<input type="checkbox"/> second month	\$ 490.00/ 245.00
<input checked="" type="checkbox"/> third month	\$1,110.00/ 555.00
<input type="checkbox"/> fourth month	\$1,730.00/ 865.00
<input type="checkbox"/> fifth month	\$2,350.00/1,175.00

Extension of time fee due with this request: **\$ 1,110.00**

If an additional extension of time is required, please consider this a Petition therefore.

U.S. Application No. 10/552,159
Amendment Transmittal Dated December 31, 2008

The fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE
TOTAL	25	MINUS	57	= 0	X 50/25 =	\$ 0.00
INDEP.	1	MINUS	8	= 0	X 210/105 =	\$ 0.00
Extension of Time for Three Months						\$ 1,110.00
Petition to Revive						\$ 1,620.00
Information Disclosure Statement Fee						\$ 180.00
SUB-TOTAL						\$ 2,910.00
Reduce by 1/2 for Small Entity						\$ 0.00
TOTAL						\$ 2,910.00

- ☒ Please charge my Deposit Account No. 50-1349 the amount of **\$2,910.00**.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1349.
- ☒ Any filing fees under 37 C.F.R. §1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 C.F.R. §1.17.

Respectfully submitted,

HOGAN & HARTSON LLP

Dated: December 31, 2008

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By: /Paul A. Roberts/
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